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 NEO4J, INC. and NEO4J SWEDEN AB

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NEO4J, INC., a Delaware corporation, and  
 NEO4J SWEDEN AB, a Swedish  
 corporation,

Plaintiffs,

v.

PURETHINK LLC, a Delaware limited  
 liability company, IGOV INC., a Virginia  
 corporation, and JOHN MARK SUHY, an  
 individual,

Defendants.

CASE NO. 5:18-CV-07182-EJD

**DECLARATION OF PHILIP RATHLE IN  
 SUPPORT OF PLAINTIFFS'  
 ADMINISTRATIVE MOTION TO FILE  
 PORTIONS OF AND EXHIBITS TO  
 PLAINTIFFS' MOTION FOR SUMMARY  
 JUDGMENT AND SUPPORTING  
 DECLARATIONS UNDER SEAL**

[CIVIL L.R. 7-11 and 79-5]

AND RELATED COUNTERCLAIM.

NEO4J, INC., a Delaware corporation, and  
 NEO4J SWEDEN AB, a Swedish  
 corporation,

Plaintiffs,

v.

GRAPH FOUNDATION, INC., an Ohio  
 corporation, GRAPHGRID, INC., an Ohio  
 corporation, and ATOMRAIN INC., a  
 Nevada corporation,

Defendants.

CASE NO. 5:19-CV-06226-EJD

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1 I, Philip Rathle, declare as follows:

2 1. I am the Vice President of Products at Neo4j, Inc. (“Neo4j USA”). I have held that  
3 position since December 2013; and prior to that, worked in a similar position as Senior Director of  
4 Products at Neo4j USA, beginning May 2012. I am responsible for product management of the  
5 Neo4j product portfolio, which includes the Neo4j® graph database platform (“Neo4j® Platform”).  
6 My responsibilities include product strategy and product roadmap, including specifying what  
7 features are to be built in successive versions of the Neo4j® Platform, as well as the design and  
8 behaviors of those features. I and my team work closely the Neo4j Product Engineering team, who  
9 are responsible for building and testing each successive version of the Neo4j® Platform, and who  
10 comprise of over 100 engineers primarily employed by Neo4j Sweden AB.

11 2. I submit this declaration in support of Neo4j, Inc. and Neo4j Sweden AB’s  
12 (collectively “Plaintiffs”) Administrative Motion to File Portions of and Exhibits to Plaintiffs’  
13 Motion for Summary Judgment and Supporting Declarations Under Seal. The facts stated herein  
14 are based on my personal knowledge, except with respect to those matters stated to be on  
15 information and belief, and as to those matters, I believe them to be true. If called upon to testify  
16 as a witness in this matter, I could and would do so competently.

17 3. I have reviewed the following exhibits to the Declaration of Jeffrey M. Ratinoff in  
18 Support of Plaintiffs’ Consolidated Motion for Summary Judgment, which contain Plaintiffs’  
19 confidential, commercially sensitive business information:

20 (a) **Exhibit 6** to the Ratinoff Declaration is a July 29, 2015 email from John  
21 Mark Suhy to Charles Fischer of Neo4j Inc. This email thread contains confidential and proprietary  
22 information that relates to Neo4j, Inc.’s business model and strategy of obtaining government  
23 contracts for the Neo4j® Platform. It also contains confidential information pertaining to Neo4j,  
24 Inc.’s customer relationships and customer usage information. At the time this email was sent, Mr.  
25 Suhy was working as a Neo4j Solution Partner through his company PureThink LLC and was  
26 subject to confidentiality obligations under the parties’ agreement. I believe that the disclosure of  
27 this information would substantially harm our competitive standing in the marketplace, provide  
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competitors with information that could be used to obtain a competitive advantage over Neo4j, Inc. and damage Neo4j, Inc.'s actual and potential customer relationships.

(b) **Exhibit 7** to the Ratinoff Declaration is an August 16, 2016 email from John Mark Suhy to Ginger Sanfilippo of Neo4j, Inc. This email contains confidential and proprietary information that relates to Neo4j, Inc.'s business model and strategy of obtaining government contracts for the Neo4j® Platform. It also contains confidential information pertaining to Neo4j, Inc.'s customer relationships, and d customer preferences and usage information. At the time this email was sent, Mr. Suhy was working as a Neo4j Solution Partner and was subject to confidentiality obligations under the parties' agreement. I believe that the disclosure of this information would substantially harm our competitive standing in the marketplace, provide competitors with information that could be used to obtain a competitive advantage over Neo4j, Inc. and damage Neo4j, Inc.'s actual and potential customer relationships.

(c) **Exhibit 27** to the Ratinoff Declaration is a May 2018 email exchange between Mr. Suhy and myself. The portions highlighted in blue contain confidential and proprietary information that relates to Neo4j, Inc.'s strategy of obtaining government contracts for the Neo4j® Platform. It also contains confidential pricing information pertaining to Neo4j, Inc.'s customer relationships, including the Internal Revenue Service, and customer preferences and usage information. At the time this email was sent, Neo4j, Inc. and Mr. Suhy were trying to resolve a dispute that resulted in Neo4j, Inc. terminating its Neo4j Solution Partner Agreement with PureThink LLC, which contained a continuing confidentiality obligation. Neo4j, Inc. and Mr. Suhy (and his entities PureThink and iGov Inc.) now compete with Neo4j, Inc. for contracts with the IRS. I believe that the disclosure of this information would substantially harm our competitive standing in the marketplace and would wrongly provide competitors with information that could be used to obtain a competitive advantage over Neo4j, Inc. and damage actual and potential customer relationships, including with the IRS.

(d) **Exhibit 126** to the Ratinoff Declaration is a May 2018 email exchange between Mr. Suhy and Keoni Gaspar of Neo4j, Inc. This email also copies individuals from Johnson Controls Inc., which is a potential customer of Neo4j, Inc. The company considers the

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1 questions raised by Johnson Controls Inc. to contain their confidential information, and amounts to  
 2 confidential customer preferences and usage information because it could provide a competitor  
 3 with information that could be used to obtain a competitive advantage over Neo4j, Inc. and  
 4 potentially damage actual and potential customer relationships, including with Johnson Controls  
 5 Inc. There are also several false and defamatory statements made by Mr. Suhy that if made public,  
 6 would substantial harm Neo4j, Inc.'s business reputation and standing in the marketplace, and  
 7 potentially damage Neo4j, Inc.'s actual and potential customer relationships.

8 4. I have reviewed the following exhibits to the Declaration of John Broad in Support  
 9 of Plaintiffs' Consolidated Motion for Summary Judgment:

10 (a) **Exhibit 3** is a copy of The Forrester Wave™: Graph Data Platforms, Q4  
 11 2020 - The 12 Providers That Matter Most and How They Stack Up. Neo4j, Inc. has a limited  
 12 license from Forrester to use this report, and is subject to copyright and third-party contractual  
 13 obligations that preclude the unrestricted public distribution of the report. Normally, in order to  
 14 obtain this report, a person must fill out a form and agree to terms.

15 (b) **Exhibit 12** is an April 19, 2019 Neo4j Proposal to the Maryland  
 16 Procurement Office and Next Century, which contains commercially sensitive and highly  
 17 confidential information regarding the structure and amount of licensing and subscription fees for  
 18 Neo4j® Enterprise Edition, as well as pricing and discount information. It also reveals specific and  
 19 detailed information concerning our software features, subscription models, professional service  
 20 offerings, and marketing strategy, which Neo4j, Inc. considers to be commercially sensitive and  
 21 highly confidential. The disclosure of this information would expose Neo4j, Inc. to substantial  
 22 competitive harm. In particular, it would provide competitors, including the Defendants in the two  
 23 pending lawsuits, with information that could be used by them to obtain a competitive advantage  
 24 over Neo4j, Inc. and potentially damage its actual and potential customer relationships.

25 (c) **Exhibit 13** is an April 2019 email exchange relating to the Neo4j Proposal  
 26 to the Maryland Procurement Office, including correspondence with that potential customer. This  
 27 email contains commercially sensitive and confidential information relating to that proposal and  
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1 Neo4j, Inc.'s standing with that customer. I believe that if made public, it could provide a  
2 competitor with information that could be used to obtain a competitive advantage over Neo4j, Inc.  
3 and potentially damage Neo4j, Inc.'s actual and potential customer relationships and standing in  
4 the marketplace.

5 5. All of the documents and excerpts discussed above contain information that is highly  
6 confidential and competitively sensitive. Neo4j, Inc. takes significant precautions to ensure that  
7 this type of information is not publicly disclosed.

8 I declare under penalty of perjury under the laws of the United States of America that the  
9 foregoing is true and correct, and that this declaration was executed on this 11th day of December  
10 2020, at San Mateo, California

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13 Philip Rathle  
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